

Appl. No. : 09/909,194  
Filed : July 19, 2001

### REMARKS

The Office Action of November 19, 2004 was based on pending Claims 1-11. Applicant has amended Claims 1, 7 and 8 and has added new Claims 12-23. Thus, after entry of this Amendment, Claims 1-23 are pending and are presented for further consideration. Applicant respectfully requests reconsideration of the application as amended herein and in view of the arguments below.

#### Response to Claim Rejections under 35 U.S.C. § 101

Claims 1-11 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Independent Claims 1 and 8, as amended and presented herein, each recite “an electronic communications medium.” Independent Claim 7, as amended and presented herein, and new independent Claim 20, as presented herein, each recite a “computer-readable medium including executable instructions.” Accordingly, Applicant requests that the Examiner withdraw the 35 U.S.C. § 101 rejection of Claims 1-11.

#### Response to Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,791,991 to Small (hereinafter, “Small”). Applicant respectfully traverses this rejection, as hereinafter set forth.

One of the requirements in establishing a *prima facie* case of obviousness is that the prior art reference must teach or suggest all the claim limitations. See M.P.E.P. 706.02(j). Applicant respectfully submits that Small fails to teach or suggest all the limitations of Claim 1 as amended and presented herein to recite, *inter alia*, a user module “configured to manage a plurality of user accounts for transferring funds.” Thus, Applicant respectfully requests that the rejection of independent Claim 1 be withdrawn.

Applicant respectfully submits that Small fails to teach or suggest all the limitations of Claim 7 as amended and presented herein to recite, *inter alia*, “selecting at least one of the set of promotions, wherein the selection is based at least in part on comparing the set of promotions to one or more user accounts configured to transfer funds in a commercial transaction.” Thus, Applicant respectfully requests that the rejection of independent Claim 7 be withdrawn.

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Applicant respectfully submits that Small fails to teach or suggest all the limitations of Claim 8 as amended and presented herein to recite, *inter alia*, "receiving, via an electronic communications medium, user information relating to a plurality of users, wherein the user information includes user account information." Thus, Applicant respectfully requests that the rejection of independent Claim 8 be withdrawn.

Applicant respectfully submits that Claims 2-6 and 9-10 are allowable, among other reasons, as depending either directly or indirectly from now amended independent Claims 1 or 8. Thus, Applicant respectfully requests that the rejection of Claims 2-6 and 9-10 be withdrawn.

#### New Claims

Applicant has added Claims 12-23. Applicant submits that Claims 12-23 are supported by the specification and drawings and do not add any new matter to the application. Applicant further submits that Claims 12-23 are allowable.

#### REMARKS

Applicant has endeavored to address all of the Examiner's concerns in the present Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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